

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.11205 of 2019

Ranjan Biswal

... Petitioner/Accused

Vs.

The Sub-Inspector of Police,
SIPCOT Police Station,
Hosur.

(Crime No.231 of 2017)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Hon'ble III Additional District Judge, Special Judge of EC Act cases (FAC) Salem to accept the two sureties produced on behalf of the petitioner in C.M.P.No.357 of 2017 on 08.04.2019 so as to enlarge the petitioner on bail.

For Petitioner : Mr.S.Jeyakumar

For Respondents : Mr.C.Raghavan

Government Advocate (CrI.side)

O R D E R

This petition has been filed seeking direction to the learned III Additional District Judge, Special Judge of EC Act cases (FAC), Salem, to accept the sureties produced on behalf of the petitioner in C.M.P.No.357 of 2017 dated 08.04.2017.

2.The petitioner was arrayed as 1st accused in Crime No.231 of 2017 for the offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act and the petitioner was arrested and remanded to judicial custody on 26.04.2017. Therefore, he filed a petition in CMP.No.357 of 2017 in Crime No.231 of 2017 before the learned Special Judge for EC Act cases, Salem, seeking bail. The said bail petition was allowed on 30.08.2017, on condition that the petitioner/1st accused shall execute a bond for Rs.25,000/- each with two sureties of close relative of the petitioner/1st accused. Thereafter, he filed a petition to modify the bail condition in CMP.No.189 of 2018 and the same was dismissed. The petitioner has produced his wife and his brother as sureties of close relatives before the concerned Judge, however, the learned Special Judge for EC Act cases, Salem has dismissed the said

petition filed under Section 441 of Cr.P.C. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.Heard both sides.

4.It is seen that the petitioner was granted default bail under Section 167(ii) of Cr.P.C. While granting bail, the Additional District Judge, Special Judge for ECT Act Cases, Salem, had imposed a condition that the petitioner shall execute a bond for a sum of Rs.25,000/- each with two sureties of close relative of the petitioner/1st accused. The petitioner has produced his own mother and wife as sureties, but the learned Special Judge has returned the sureties stating that close relative to be given as sureties.

5.Considering the above facts and circumstances of the case, the petitioner is directed to represent the sureties before the learned Additional District Judge, Special Judge for E.C.Act cases, Salem (FAC). On receipt of the same, the learned Magistrate is directed to verify the relationship of the sureties with the petitioner and accept the same.

6.With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rm

To:

1. The III Additional District Judge
Special Judge for EC Act Case (FAC)
Salem
2. The Sub-Inspector of Police, SIPCOT Police Station,
Hosur. (Crime No.231 of 2017)
3. The Public Prosecutor, High Court, Madras.
+lcc to Mr.S.Jeyakumar, Advocate, S.R.No.40523

Cr1.O.P.No.11205 of 2019

GJ(CO)
vrn/21.05.2019